IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

WP(C).No. 31332 of 2007(E)

PETITIONER:

THE BOARD OF DIRECTORS OF THE HEMAMBIKA HOUSING CO-OPERATIVE SOCIETY LTD. NO.P.822, AKATHETHARA, PALAKKAD-8, REPRESENTED BY ITS PRESIDENT, A.C. JAYARAJ, PALGHAT-678 008.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) PALAKKAD.

2. THE LIQUIDATOR/MUNDUR UNIT INSPECTOR OF CO-OPERATIVE SOCIETIES, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), PALAKKAD-678001.

BY GOVT. PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/10/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.31332 OF 2007

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Dated this the 22nd day of October, 2007

JUDGMENT

Petitioners who are the managing committee members had approached this court earlier as evident from Exts.P1 and P2 judgments. Action was proposed under Section 71 to effect liquidation of the society. By Ext.P1 judgment this court noted that Ext.P6 therein was only show cause and disposed of the writ petition holding that second respondent is bound to consider each and every contention taken by the petitioner in the show cause. By Ext.P2 judgment after the order was passed noting that the impugned order was appealable, petitioner was relegated to the pursuit of the alternate remedy. This court also directed that the impugned order shall be kept in abeyance for a period of two weeks from 15/10/2007. Thereafter petitioner challenges Ext.P3 which is seen dated 11/10/2007. According to the petitioner, it is received only on 18/10/2007. What is stated in Ext.P3 appears to be that the liquidator had come to the office on 11/10/2007 and he found that the President was not there and thereafter he

intimates that he has assumed charge. According to the learned counsel for the petitioner this is to defeat Ext.P2 judgment.

Learned Government Pleader would submit that all that is discernible from Ext.P3 is that pursuant to the order impugned in Ext.P2 judgment, the liquidator finding that the President was not present has assumed charge. Government Pleader further submits that in deference to Ext.P2 judgment no further steps will be taken by liquidator contrary to Ext.P2. In such circumstances, I feel that I need only record the submission of the Government Pleader. I do so and the writ petition is closed recording the said submission.

(K.M.JOSEPH, JUDGE)

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